

April 7, 1992

LB 1098

Senators Robak, Pirsch and Schimek. (Read title.) It was introduced on January 14, referred to Judiciary, advanced to General File. I have committee amendments pending, Madam President.

PRESIDENT MOUL: Senator Abboud.

SENATOR ABOUD: Madam President, colleagues, LB 1098 establishes the offense of stalking, providing a class of misdemeanor penalty for first offense and a Class IV felony penalty for subsequent offenses. Under the bill as originally drafted, stalking could be proven in three distinct ways. First, by knowing serious alarm, annoyance or "impedience" of a person for no legitimate purpose. Second, by willing, malicious, and repeated following of a person. And, third, by causing a person substantial emotional distress because of harassment or a threat. The bill would exempt conduct which includes constitutionally protected activity and conduct during labor picketing. The committee amendment requires an act violating a no contact order from a court to be proven as an element of this offense. There could be no doubt then that a person who was put on notice by a judge that this conduct had to cease and the intent was to commit this offense. The no contact orders may be in the form of a condition of bail, an injunction, a temporary restraining order, or a protection order. Thus even though the other elements of stalking would have to be proven, a violation of this order would constitute proof that the act had in fact been an unlawful purpose. I would move the committee amendments.

PRESIDENT MOUL: Thank you, Senator Abboud. Mr. Clerk, are there amendments to the committee amendments?

CLERK: Madam President, the first amendment to the committee amendments is by Senator Chizek.

SENATOR ABOUD: We won't be taking that up today.

CLERK: I'm sorry.

SENATOR ABOUD: Senator, I'm handling the amendment and Senator Chizek chose not to take that up today.

CLERK: Next amendment to the committee amendments by Senator Robak.